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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/680,465 | 10/06/2000 | Daniel A. Japuntich | 48317USA11.028 | 8753 |

7590 12/31/2002

Office of Intellectual Property Counsel
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EXAMINER

LEWIS, AARON J

ART UNIT

PAPER NUMBER

3761

DATE MAILED: 12/31/2002

Please find below and/or attached an Office communication concerning this application or proceeding.



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| EXAMINER | |
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| ART UNIT | PAPER NUMBER |
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DATE MAILED:

Please find below a communication from the EXAMINER in charge of this application.

Commissioner of Patents

Please see attached communication.

Art Unit: 3761

Response to Amendment

1. The reply filed on 10/14/2002 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): The Office action dated 07/17/2001, page 2, informed applicant that misnumbered claims 58-66 had been renumbered 57-65. In response to the 07/17/2001 Office action, applicant filed an amendment on 10/19/2001 (page 3) which instructed the PTO to cancel claims 34,59 and 63. The Office action dated 01/28/2002 incorrectly addressed cancelled claim 59 (page 6) and claim 65 (page 8). In response to the 01/28/2002 Office action, applicant filed an amendment on 04/26/2002 which added new claims 67-80. The Office action dated 07/17/2002 incorrectly addressed cancelled claim 59 (page 7). In response to the 07/17/2002 Office action, applicant filed an amendment on 10/14/2002. This amendment indicated on page 3 that the pending claims should be 33,35-57,59-63,65-80; however, applicant's listing of pending claims is not accurate in view of applicant's instructions to the PTO in the 10/19/2001 amendment in which applicant instructs the PTO to cancel claims 34,59 and 63. Please note: In accordance with MPEP 714.23, Matter cancelled by amendment can be reinstated only by a subsequent amendment presenting the cancelled matter as a new insertion. A claim (i.e. claims 34, 59 and 65 of the instant application) cancelled by the 10/19/2001 amendment (deleted in its entirety) may be reinstated only by a subsequent amendment presenting the claim as a new claim with a new claim number. Claims 34,59 and 65 (59 and 65 as renumbered by the PTO) as originally filed by applicant on 10/03/2000 are reproduced as follows for applicant's convenience:

Art Unit: 3761

34. The filtering face mask of claim 33, further comprising a valve cover that has as surface that holds the flexible flap against a flap-retaining surface on the valve seat.

59. The filtering face mask of claim 33, wherein the shape of the orifice does not wholly correspond to the shape of the seal surface.

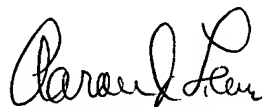
65. The filtering face mask of claim 61, wherein the opening in the valve cover is at least the size of the orifice in the valve seat.

Applicant is again reminded that the originally filed claims were not properly numbered. Consequently, misnumbered claims 58-66 were renumbered 57-65. In an effort to notify applicant as to exactly which claims were cancelled, claims 34, 59 and 65 (59 and 65 as renumbered by PTO) have been reproduced above. See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).**

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron J. Lewis whose telephone number is (703) 308-0716.

Aaron J. Lewis

December 29, 2002


Aaron J. Lewis
Primary Examiner